

By-Law Number 18 of 2024
Of The Corporation of the Village of Point Edward
Being a By-Law to Regulate the Use and Care of Municipal Highways

WHEREAS the Village has broad authority over highways under section 10 and 28 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended and wished to regulate certain uses of highways;

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a Municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 425(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a municipality may pass by-laws providing that a person who contravenes a By-Law of the municipality passed under the Municipal Act, S.O., c. 25, as amended, is guilty of an offence;

AND WHEREAS Section 429 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a municipality may establish a system of fines for offences under a By-Law passed under the Municipal Act, S.O. 2001, c. 25, as amended;

AND WHEREAS Section 446 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a municipality may direct that where an owner has defaulted, the municipality may have the default remedied at the owner's expense and add the cost to the tax roll in the same manner as municipal taxes.

NOW THEREFORE be it resolved that the Council of the Corporation of the Village of Point Edward enacts as follows:

1. DEFINITIONS

Boulevard means that portion of the Highway which is not a roadway, and includes the landscaped areas and any Driveway Apron but does not include any paved or poured hard surface sidewalk or a curb or gutter that is not part of a driveway apron;

Driveway Apron means that portion of any driveway, parking lot, or other hard surface, whether paved, poured, laid or otherwise constituted, which extends from private property onto the roadway

Operations Manager means the Operations Manager fo the Village of Point Edward;

Highway means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of a highway, and except as otherwise provided, includes a portion of the highway; and includes the area between the lateral property lines thereof;

Municipality means the Corporation of the Village of Point Edward;

Roadway means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term **roadway** refers to any one roadway separately and not to all of the roadways collectively;

Shoulder means the portion of the Highway that provides lateral support to the Roadway and that may accommodate stopped vehicles and emergency use;

Vehicle includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle or any vehicle drawn, propelled or driven by any kind of power, including muscular power but does not include a motorized snow vehicle or an all-terrain vehicle.

2. Interpretation

2.1 Heading are for reference purposes and shall not affect in any way the meaning or interpretation of the provisions of this by-law.

2.2 It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such

2.3 In this By-law a word interpreted in the singular has a corresponding meaning when used in the plural.

3. General Prohibitions

3.1 No person shall, unless otherwise authorized by the provisions of this or any other By-Law of the Municipality:

- a. Permit oils, chemicals or substances to be deposited or spilled on a highway including such substances deposited as a result of car maintenance activities, car rust prevention

- measures and the spillage of rust protecting substances, vacating storage tanks from vehicles or trailers, and the general spillage of substances from vehicles and trailers;
- b. Place or store a garbage dumpster or temporary storage unit on a highway;
 - c. Dump or otherwise deposit snow or ice on a highway from private property;
 - d. Deposit, drop, scatter, store, spill or throw any grass clippings, earth, ashes, manure, leaves, or garbage on any highway except where permitted by the Municipality;
 - e. Obstruct or alter a drain, gutter, or water course along or upon a highway;
 - f. Set or carry fire on a highway;
 - g. Obstruct or alter a Municipal sidewalk, including the construction of scaffolding over Municipal sidewalks without Municipal approval;
 - h. Remove or move a barricade, sign or light placed around any excavation in a highway;
 - i. Permanently or temporarily erect curbing, landscaping, rocks or ornamental material on a Highway; or
 - j. Alter a shoulder with a surface or material inconsistent with surrounding road structure without permission of the Operations Manager.
- 3.2 No owner or occupier of land shall plant or allow any part of a tree, shrub, sapling, hedge, crop or any other plant to extend over or upon any highway, so as to interfere with, impede or endanger persons using the highway.
- 3.3 No person, other than the Municipality, shall erect a fence, construct a wall or plant a hedge in, over or upon a highway.

4. Exemptions

- 4.1 The provisions of section 3, paragraph (d) shall not apply to an employee or an agent of the Municipality who is engaged in moving snow or ice.
- 4.2 The Operations Manager may approve any exemptions to section 3 in accordance with Municipal policies regarding approvals of encroachments over Municipal Highways, and shall have the right to apply such conditions to any approval as they may deem advisable.

5. Highway name signs, traffic signals and signage

- 5.1 No person shall put down, destroy, deface or in any way interfere with any municipal infrastructure, including but not limited to, any post, surveyor's mark, benchmark, traffic sign, highway name sign, sign board, regulatory sign, traffic signal, traffic cone, or any other traffic control device affixed or placed on highway.

6. Lighting

- 6.1 No person shall be wrecked or place private driveway lighting, address or name posts, or reflectors on a highway without the permission of the Operations Manager.

7. Powers to remove

7.1 The Operations Manager may:

- a. Provide notice by registered mail, regular mail or personal delivery to the last known address of the owner or person responsible for any item, structure or material placed or deposited on a highway contrary to this bylaw and in such notice require that the item, structure or material be removed and any damage remedied within a time established by the operations manager. Such notice shall be deemed served upon the owner when personally served - immediately upon service, when sent by registered mail - three days after sending, and when sent by regular mail - five days after sending.
- b. Where such notice is not acted upon within the time period provided, arrange for the item, structure or material removed and any damage to be repaired at the owner's expense. The operations manager may arrange for the disposal of any item, structure or material removed and no person shall have a claim for compensation from the Municipality for such disposal.

- 7.2 Where the operations manager determines that an emergency situation exists, the operations manager may take any actions to remedy the emergency situations without the requirement to provide notice to any owner or person.

- 7.3 The municipality may recover expenses resulting from actions taken in accordance with subsections 7.1 or 7.2 by action, or in the like manner as municipal taxes.

8. Highway debris

- 8.1 No person hauling earth, sand, stone or other substances on a highway shall so load his vehicle or drive the same as to permit or cause the contents thereof to fall, spill or be deposited on a highway.
- 8.2 No person in charge of a vehicle shall bring the vehicle, or permit it to be brought up on the highway unless there has been removed from the wheels there of as completely as is reasonably practicable, all material which is likely, if not

removed, to cause obstruction or dangerous condition or nuisance in a highway or cause damage to the surface of the highway.

9. Maintenance of Boulevards

- 9.1 Every owner or occupier of a property on a road with a speed limit of 60 km/h or less shall maintain the grassy Boulevard portion of any Highway, or part of a Highway, that abuts their property whether in front of or alongside the property.
- 9.2 without limiting the generality of subsection one, maintaining the grassy Boulevard portion of a Highway includes the following:
 - a. Cutting the grass and weeds and removing the cuttings whenever the growth of grass or weeds exceeds 15 centimeters in height;
 - b. Keeping the Boulevard clean and free from hazardous objects or materials, domestic animal excrement, rubbish or other debris, holes ruts and excavations that are actual or potential health risks, fire safety hazards or anything that may cause damage or harm to members of the public or their property.
- 9.3 Every owner or occupier of a property shall maintain the paved portion of a Boulevard that forms part of a driveway apron in front of, alongside or at the rear of the property.
- 9.4 Without limiting the generality of subsection (3), maintaining the paved portion of a Boulevard includes the following:
 - a. Keeping the paved portion of the Boulevard in a good state of repair so as to afford safe passage under normal use for persons and vehicles;
 - b. Keeping the paved portion of the Boulevard clear of snow and ice within 24 hours of a snowfall to provide safe passage for persons and vehicles;
 - c. Keeping the paved portion of the Boulevard clean and free from hazardous materials, domestic animal excrement, rubbish and other debris, and holes ruts or excavations.
- 9.5 If the Operations Manager determines that an owner or occupier of a property has failed to maintain a Boulevard that abuts the owners or occupiers property, and the cause of that failure is not the result of the acts of a third party beyond the control of the owner/occupier, the Operation Manager may issue an order requiring the owner or occupier to maintain the Boulevard in accordance with this bylaw.
- 9.6 Where an order under section 9.5 is not complied with within the time period stipulated therein, the Municipality may carry out, or cause to be carried out, any work necessary to maintain the Boulevard in accordance with this By-law, and all

- the costs incurred by the Municipality in undertaking this work shall be the expenses owed to the municipality by the owner or occupier of the property.
- 9.7 Every owner or occupier who fails to comply with an order made under section 9.5 is guilty of an offence.

10. Administration and Enforcement

- 10.1 This bylaw shall be administered and enforced by any municipal by law enforcement officers of the municipality and any police officer.

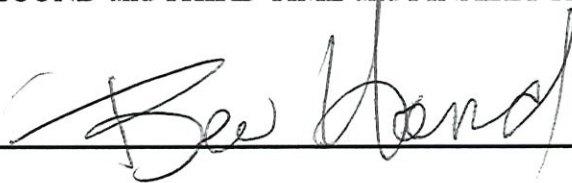
11. Appeal

- 11.1 An appeal of an order made pursuant to this bylaw shall lie to the Council of the Village of Point Edward.
- 11.2 A person who appeals an order made pursuant to this bylaw shall submit a request forthwith to the Council of the village of Point Edward By contacting the clerk of the Village.

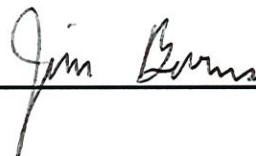
12. Penalties

- 12.1 Any person who contravenes any provision of this part of this By-law is guilty of an offence and upon conviction is liable to a fine is set out in schedule A or to the maximum allowable under the Provincial Offences Act as the case may be.
- 12.2 When a person has been convicted of an offence under this By-law any court of competent jurisdiction, may, in addition to penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence

This By-Law is READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 23rd day of July, 2024.



Mayor Bev Hand



Clerk, Jim Burns